

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
(E-Filed: March 10, 2007)

CHRISTINE E. CHERPAK,

Petitioner,

v.

SECRETARY OF THE
DEPARTMENT OF HEALTH
AND HUMAN SERVICES,

Respondent.

No. 99-586V

UNPUBLISHED

Attorneys' Fees and Costs

Clifford Shoemaker, Vienna, VA, for petitioner.

Althea W. Davis, with whom were Peter D. Keisler, Assistant Attorney General, Timothy P. Garren, Director, Vincent J. Matanoski, Acting Deputy Director, and Gabrielle M. Fielding, Assistant Director, Department of Justice, Civil Division, Torts Branch, Washington, DC, for respondent.

ATTORNEYS' FEES AND COSTS DECISION¹

On August 4, 1999, Lee Ann Cherpak filed a claim for compensation pursuant to the National Vaccine Injury Compensation Program² (the Act or the Program) on behalf

¹ Vaccine Rule 18(b) states that all of the decisions of the special masters will be made available to the public unless an issued decision contains trade secrets or commercial or financial information that is privileged or confidential, or the decision contains medical or similar information the disclosure of which clearly would constitute an unwarranted invasion of privacy. When a special master files a decision or substantive order with the Clerk of the Court, each party has 14 days within which to identify and move for the redaction of privileged or confidential information before the document's public disclosure.

² The National Vaccine Injury Compensation Program is set forth in Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755, codified as

of her minor child, Christine E. Cherpak.³ By notice of reassignment dated February 8, 2006, the Chief Special Master reassigned Ms. Cherpak's petition to the undersigned for consideration. On January 9, 2008, the undersigned issued a decision that found that the parties' stipulation was appropriate under the Act. See Decision at 2.

February 18, 2008, petitioners filed an Application for Attorneys' Fees and Costs (Fee App.). On March 6, 2008, respondent notified the court that she had no objection to petitioner's fee request. Accordingly, petitioners' counsel now seeks \$11,154.00 in attorneys' fees and \$4,411.14 in attorneys' costs and \$583.05 in costs borne by petitioner.

The Vaccine Act permits an award of reasonable attorneys' fees and costs. 42 U.S.C. § 300 aa-15(e). Based on the reasonableness of petitioners' request and on respondent's counsel's lack of objection to petitioner's counsel's fees and costs request, the undersigned **GRANTS** the attorney's fees and costs as outlined in Petitioner's Application for Attorneys' Fees and Costs.

The undersigned awards petitioner \$16,148.19 in fees and costs.

Therefore, in the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court **SHALL ENTER JUDGMENT** in petitioner's favor in the amount of \$16,148.19 in attorneys' fees and attorneys' costs and petitioner's costs.⁴ The judgment shall reflect that the Shoemaker and Associates law firm may collect \$15,565.14 from petitioner. Petitioner may retain \$583.05 for costs borne by petitioner.

IT IS SO ORDERED.

s/Patricia E. Campbell-Smith
Patricia E. Campbell-Smith
Special Master_____

amended, 42 U.S.C. §§ 300aa-10 to -34 (2000 & Supp. II 2003) (Vaccine Act or the Act). All citations in this decision to individual sections of the Vaccine Act are to 42 U.S.C.A. § 300aa.

³ On April 24, 2006, Christine Cherpak moved to amend the case caption. On April 26, 2006, the special master granted her Motion to Amend Caption. Christine E. Cherpak is currently the sole petitioner in this case because she is no longer a minor.

⁴ Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties' joint filing of notice renouncing the right to seek review.